

## **FACTSHEET**

**TITLE:** **USE PERMIT NO. 04005**, requested by Brian D. Carstens & Associates on behalf of RLM, LLC, for authority to develop 38 dwelling units and 10,000 sq. ft. of office, with associated waiver requests, on property generally located southwest of Barons Road and N.W. 1<sup>st</sup> Street.

**STAFF RECOMMENDATION:** Conditional Approval

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 11/10/04  
Administrative Action: 11/10/04

**RECOMMENDATION:** Conditional approval (7-0: Carlson, Pearson, Carroll, Marvin, Larson, Krieser and Bills-Strand voting 'yes'; Taylor and Sunderman absent).

### **FINDINGS OF FACT:**

1. This is a request to develop 38 dwelling units and 10,000 square feet of office, on 8 acres, more or less, with the following waiver requests:
  - To reduce the rear yard setback from 40' to 30';
  - To reduce the side yard setback from 15' to 7.5';
  - To reduce the required frontage from 50' to 20';
  - To allow sanitary sewer to flow against street grade; and
  - To waive the preliminary plat process.
2. The staff recommendation of conditional approval, including approval of all waiver requests, is based upon the "Analysis" as set forth on p.3-5, concluding that, with conditions, the proposal is in conformance with the Comprehensive Plan.
3. The applicant's testimony is found on p.10. The applicant noted the letters of concern about the traffic problems, but suggested that there is an existing traffic circulation problem which is not created by this proposal. The applicant agreed with the conditions of approval set forth in the staff report.
4. There was no testimony in opposition.
5. The record consists of five communications basically in support of the proposal; however, their concerns are focused upon traffic and access (p.25-31).
6. On November 10, 2004, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval, as set forth in the staff report dated October 27, 2004. The conditions of approval are found on p.5-9.
7. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** January 3, 2005

**REVIEWED BY:** \_\_\_\_\_

**DATE:** January 3, 2005

**REFERENCE NUMBER:** FS\CC\2005\UP.04005

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

**for November 10, 2004 PLANNING COMMISSION MEETING**

**P.A.S.:** Use Permit #04005, Barons Ridge

**PROPOSAL:** To develop 38 dwelling units and 10,000 square feet of office floor area.

**LOCATION:** Generally located south west of Barons Road and NW 1<sup>st</sup> Street.

**WAIVER REQUEST:**

Reduce the rear yard setback from 40' to 30'

Reduce the side yard setback from 15' to 7.5'

Reduce the required frontage from 50' to 20'

Allow sanitary sewer to flow against street grade (at the south end of W. Hampshire Lane)

Waive the preliminary plat process

**LAND AREA:** 8 acres, more or less.

**CONCLUSION:** In conformance with the Comprehensive Plan.

**RECOMMENDATION:**

Conditional Approval

Reduce the rear yard setback from 40' to 30'

Approval

Reduce the side yard setback from 15' to 7.5'

Approval

Reduce the required frontage from 50' to 20'

Approval

Allow sanitary sewer to flow against street grade

Approval

Waive the preliminary plat process

Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached.

**EXISTING ZONING:** O-3, Office Park.

**EXISTING LAND USE:** Undeveloped.

**SURROUNDING LAND USE AND ZONING:**

North: Residential, Park

R-3, Residential, P, Public Use

South: Undeveloped

O-3

East: Undeveloped

O-3

West: Residential

R-3

**COMPREHENSIVE PLAN SPECIFICATIONS:** This area is shown as commercial in the Comprehensive Plan (F-25)

Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan. (F-22)

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods. (F-17)

Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F-18)

Require new development to be compatible with character of neighborhood and adjacent uses (F-69).

**HISTORY:** This area was zoned O-3 Office Park during the Highlands update in 1993.

**UTILITIES:** Utilities are available to the site.

**TRAFFIC ANALYSIS:** NW 1<sup>st</sup> Street is classified as an arterial street. Barons Road is a local street.

**REGIONAL ISSUES:** The change from office use to residential use reduces the amount of available office space in the area. However, it appears that sufficient office space is available in the Technology Park and in Fallbrook, nearby.

**ANALYSIS:**

1. This is a request to develop 38 single family attached dwelling units and two 5,000 square foot office buildings. The developer requests waivers to side and rear yard setbacks, minimum frontage of residential lots, to allow sanitary sewer to flow opposite street grades and to coordinate the preliminary plat with the use permit.
2. The site plan indicates more parking stalls than required. The residential area shows 10 off street parking stalls in addition to the stalls provided for each lot. The office area indicates 36 stalls which is 2 greater than required. Planning staff believes this is adequate. The site plan also appears to have several on street parking areas in addition to the off street parking stalls shown.
3. Generally speaking, single-family attached units create less peak hour traffic than office. Therefore the proposed use will generate less peak hour traffic than if the site would develop into entirely office uses.

4. The O-3 district requires minimum open space per dwelling unit. Each lot provides well in excess of the required open space. Each lot requires approximately 125 square feet, the proposed residential lot layout indicates in excess of ten times this requirement.
5. The landscape plan shows screening in excess of the O-3 requirement.
6. Townhouses and office buildings are permitted uses in the O-3 district. The single family attached provide additional transition to the proposed office buildings and are consistent with the Comprehensive Plan.
7. The density shown is less than the allowed density of the O-3 district. The proposed density is slightly less than the allowed density within the R-3 district, at 6.1 dwelling units per acres compared to 6.9 dwelling units per acres in the R-3 district. The density shown is approximately 12% less than the R-3 allowed density. The requested setback reduction requires setbacks greater than required in the R-3 district, and more closely resemble setback requirements in the R-2 district. Planning staff believes this is similar to the neighboring R-3 development.
8. The requested waivers of side and rear setback are acceptable to planning staff because it closely resembles the setbacks in the adjacent R-3 district. The side and rear yard setbacks are actually greater than the minimum required setbacks of the R-3 district. The reduction of minimum frontage from 50' to 20' is acceptable because it is consistent with single family attached units. The R-3 district requires a average lot width of 40' per family of single family attached units, which many of the residential lots in this use permit meet. It appears that 14 of the lots have less than 40' average lot width, however, many community unit plans modify this requirement when developing single-family attached units and thus, the request is consistent with many single-family attached developments in community unit plans.
9. The coordination of the preliminary plat with use permits is common and the intent is efficiency. All required and necessary information is provided through the use permit, and no less than the preliminary plat requirements are submitted with the use permit request. Therefore, planning staff recommends this request be granted.
10. The Public Works and Utilities Department had several comments in their attached memo. The Public Works and Utilities Department indicated the request to allow sanitary sewer to flow opposite street grades was acceptable provided that the minimum and or maximum depths are not violated.
11. The Lincoln Airport Authority indicated this area is within a turning zone of the Airport Environs District. A note should be added to the site plan indicating this area is within the Airport Environs District and all requirements of LMC 27.59.060 must be met.
12. The Fire Department indicated they would like to see a fire hydrant located in the vicinity of the two office buildings or the entry into the parking lot.

13. The Emergency Communications 911 Center indicated the requested street name W. Hampshire Lane is similar to New Hampshire Street and recommend an alternate street name be chosen. The US Post Office echoed this concern.
14. The Lincoln Electric System indicated they need additional utility easements.
15. The plan needs to show minimum opening elevations of lots backing onto Outlot A. The request to waive the lot depth to width ratio should be removed from the Waivers Table because it is unnecessary. The General Notes should indicate the final landscaping for the office lots will be determined at the time of building permit. Barons Road should remove the designation of "W" because it is actually named Barons Road and not W. Barons Road.
16. The Lincoln Lancaster County Health Department made one advisory comment indicated in their attached memo.

## **CONDITIONS:**

### Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
  - 1.1 Revise the site plan to show:
    - 1.1.1 Add a note stating "The grant of an avigation and noise easement to the Lincoln Airport Authority is a condition of approval as all or part of the land is located within the Airport Environs Noise District and potentially subjects the land to aircraft noise levels which may affect users of the property and interfere with its use.
    - 1.1.2 Indicate minimum opening elevations of lots backing onto Outlot A.
    - 1.1.3 Remove unnecessary waivers from the Waivers Table.
    - 1.1.4 Add a note indicating that landscaping which meets design standards will be shown at the time of building permit.
    - 1.1.5 Remove the designation of "W" from Barons Road.
    - 1.1.6 Make revisions to the satisfaction of the Public Works and Utilities Department memo dated October 29, 2004.
    - 1.1.7 Rename W. Hampshire Lane.

- 1.1.8 Show utility easements as requested by the October 22, 2004 LES memo.
- 1.1.9 Show fire hydrants to the satisfaction of the Fire Department.
- 1.1.10 Make revisions to the satisfaction of the Parks and Recreation Department memo dated October 26, 2004.

- 2. This approval permits 38 dwelling units and 10,000 square feet of office with variances to sanitary sewer design standards and modification of the side yard setback from 15' to 7.5' and rear yard setback from 40' to 30', reduce the required frontage of single-family attached lots from 50' to 20' and to waive the requirement of a separate preliminary plat.

General:

- 3. Before receiving building permits:
  - 3.1 The permittee shall have submitted a revised and reproducible final plan including 6 copies.
  - 3.2 The permittee shall grant an avigation and noise easement to the Lincoln Airport Authority on all or that part of the land located within the Airport Environs Noise District.
  - 3.3 The construction plans shall comply with the approved plans.
  - 3.4 Final Plats will be approved by the Planning Director after:
    - 3.4.1 The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, temporary turnarounds and barricades, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.
    - 3.4.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
      - to complete the paving of private roadway, and temporary turnarounds and barricades located at the temporary dead-end of the private roadway shown on the final plat within two (2) years following the approval of this final plat.
      - to complete the installation of sidewalks along both sides of all interior private roadways and streets abutting the use permit as shown on the final plat within four (4) years following the approval of this final plat.
      - to construct the sidewalk in the pedestrian way easement in Lots 10 and 11,

Block 1 at the same time as W. Hampshire Lane (to be renamed) is paved and to agree that no building permit shall be issued for construction on Lots 10 and 11, Block 1 until such time as the sidewalk in the pedestrian way easement is constructed.

to complete the public water distribution system to serve this plat within two (2) years following the approval of this final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of this final plat.

to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of this final plat.

to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of this final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of this final plat.

to complete the installation of public and private street lights along the streets within this plat within two (2) years following the approval of this final plat.

to complete the planting of the street trees along the streets within this plat within four (4) years following the approval of this final plat.

to complete the planting of the landscape screen within this plat within two (2) years following the approval of this final plat.

to complete the installation of the street name signs within two (2) years following the approval of this final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to complete the public and private improvements shown on the preliminary plat and Use Permit.

to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to continuously and regularly maintain the street trees along the private roadways and landscape screens.

to submit to the lot buyers and builders a copy of the soil analysis.

to pay all design, engineering, labor, material, inspection, and other improvement costs.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to perpetually maintain the sidewalks in the pedestrian way easements on Lots 10 and 11, Block 1 at their own cost and expense.

to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

to relinquish the right of direct vehicular access from Outlot A to NW 1<sup>st</sup> Street.

to inform all prospective purchasers and users that the land is located within the Airport Environs Noise District, that the land is subject to an aviation and noise easement granted to Lincoln Airport Authority, and that the land is potentially subject to aircraft noise levels which may affect users of the property and interfere with its use.



STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
  - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
  - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Becky Horner  
441-6373, [rhorer@lincoln.ne.gov](mailto:rhorer@lincoln.ne.gov)  
Planner

**DATE:** October 27, 2004

**APPLICANT:** Brian D. Carstens  
Brian D. Carstens and Associates  
601 Old Cheney Road, Suite C  
(402)434-2424

**OWNER:** RLM, LLC  
1901 SW 5<sup>th</sup> Street, Suite 100  
(402)435-3550

**CONTACT:** Brian D. Carstens  
(402)434-2424

## USE PERMIT NO. 04005

### **PUBLIC HEARING BEFORE PLANNING COMMISSION:**

November 10, 2004

Members present: Carlson, Pearson, Carroll, Marvin, Larson, Krieser and Bills-Strand; Sunderman and Taylor absent.

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

This application was removed from the Consent Agenda due to additional correspondence.

Becky Horner of Planning staff submitted three letters which all relate to traffic concerns.

#### Proponents

1. **Brian Carstens** appeared on behalf of **RLM Group**, the developer. This is a use permit for 38 attached single family units and two 5,000 sq. ft. office/medical buildings. The property is currently zoned O-3. The site immediately south is zoned O-3 and that site plan will be coming forward in the near future. The waivers include the internal side yard setbacks between the units, where they are requesting 7.5 ft. instead of 15 ft. from the side lot lines. The request to reduce the rear yard setback from 40' to 30' matches the 30' rear yard setback that exists in the R-3 zoning on the other side of this development. The side yard setbacks are 50% wider than what the R-3 zoning allows next door.

With regard to the traffic concerns by the neighbors, Carstens noted that there is an existing traffic circulation problem which is not created by this proposal. This proposal does include a left turn lane at Barons Road, at the applicant's expense, and he believes this takes care of the neighborhood's traffic concerns.

There was no testimony in opposition.

Pearson confirmed that the reduction to the rear and side yard setbacks is similar to the requirements in R-3 zoning. Horner stated that the side yard setback being requested is actually a little greater than the R-3.

### **ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

November 10, 2004

Marvin moved to approve the staff recommendation of conditional approval, seconded by Krieser and carried 7-0: Carlson, Pearson, Carroll, Marvin, Larson, Krieser and Bills-Strand voting 'yes'; Taylor and Sunderman absent. This is a recommendation to the City Council.



2002 aerial

## Use Permit #04005 NW 1st & Barons Rd.

### Zoning:

|            |  |
|------------|--|
| R-1 to R-8 | Residential District                   |
| AG         | Agricultural District                  |
| AGR        | Agricultural Residential District      |
| R-C        | Residential Conservation District      |
| O-1        | Office District                        |
| O-2        | Suburban Office District               |
| O-3        | Office Park District                   |
| R-T        | Residential Transition District        |
| B-1        | Local Business District                |
| B-2        | Planned Neighborhood Business District |
| B-3        | Commercial District                    |
| B-4        | Lincoln Center Business District       |
| B-5        | Planned Regional Business District     |
| H-1        | Interstate Commercial District         |
| H-2        | Highway Business District              |
| H-3        | Highway Commercial District            |
| H-4        | General Commercial District            |
| I-1        | Industrial District                    |
| I-2        | Industrial Park District               |
| I-3        | Employment Center District             |
| P          | Public Use District                    |

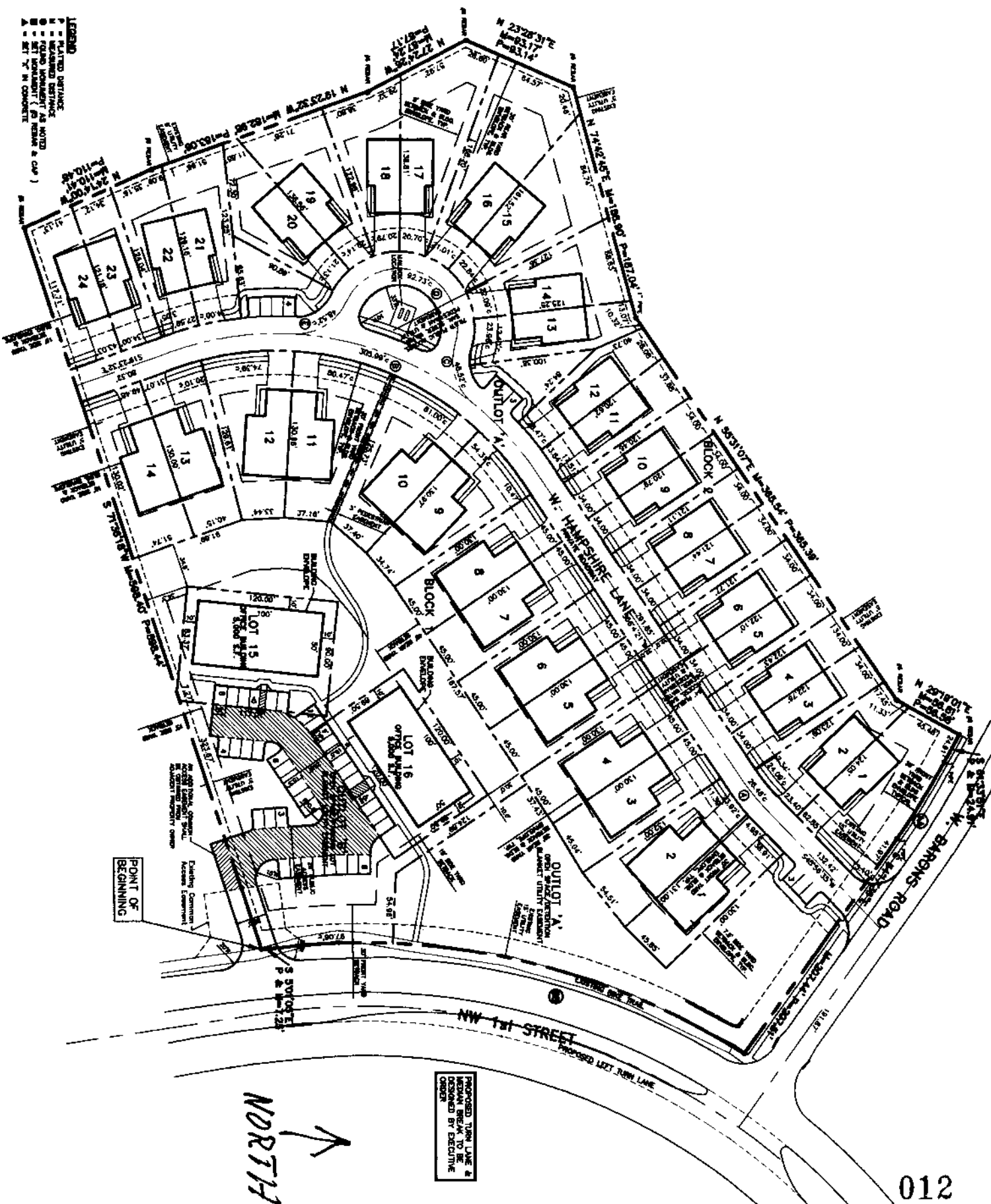
One Square Mile  
Sec. 3 T10N R6E



Zoning Jurisdiction Lines

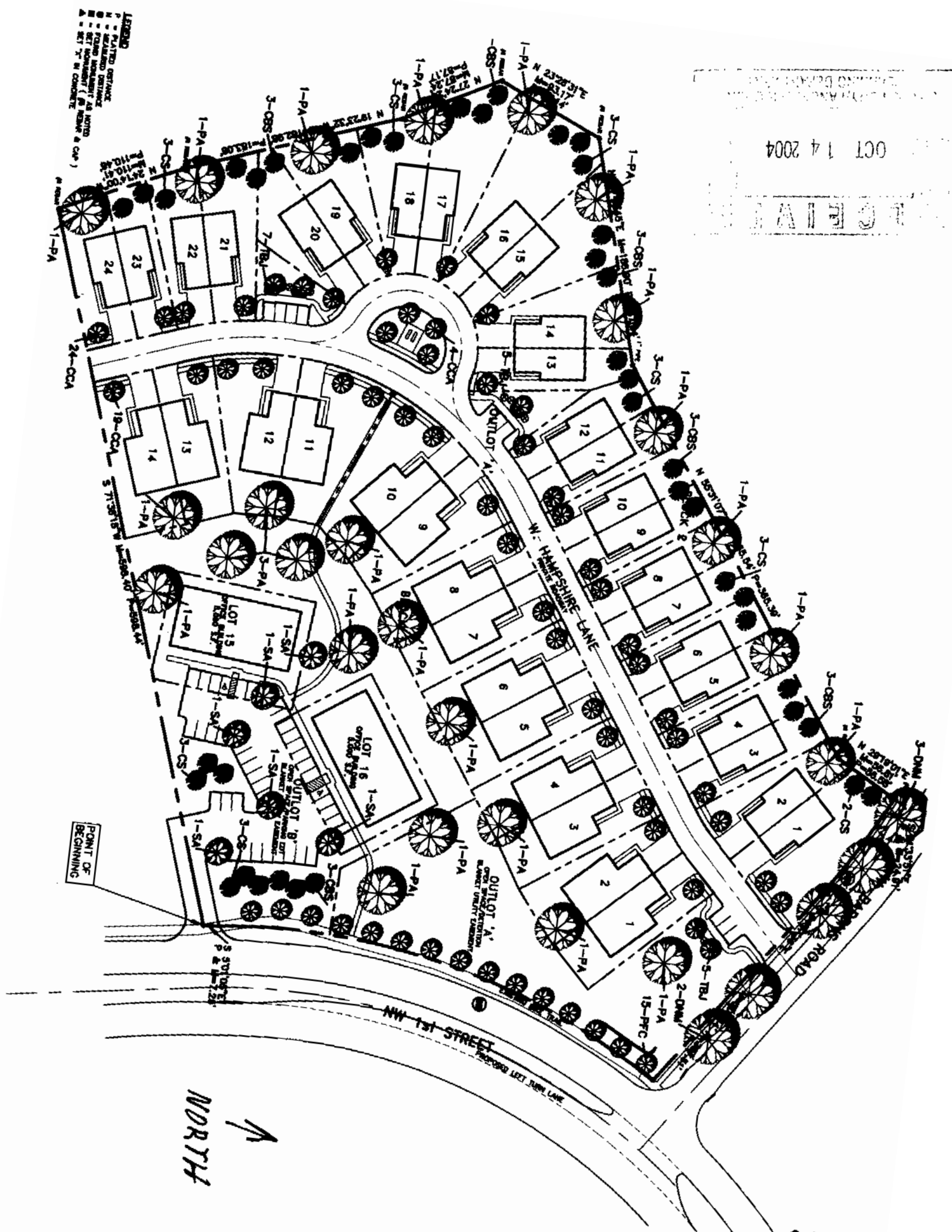
City Limit Jurisdiction



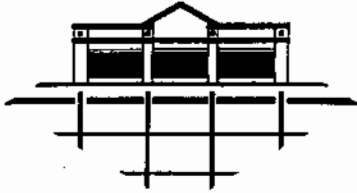


OCT 14 2004

DATE



013



**BRIAN D. CARSTENS AND ASSOCIATES**  
**LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN**  
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

October 14, 2004

Mr. Marvin Krout  
Director of Planning  
City of Lincoln/ Lancaster County  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: BARONS RIDGE- USE PERMIT  
NORTHWEST 1<sup>ST</sup> STREET & BARONS ROAD

Dear Marvin,

On behalf of RLM, L.L.C., we submit the following use permit for your review. Barons Ridge is located at the Southwest corner of Northwest 1<sup>st</sup> Street and Barons Road in the Highlands. The site contains approximately 7.8 acres and is currently zoned 'O-3'.

We are proposing a mix of 38 single family attached units (17 buildings) and two 5,000 square foot office buildings. A private roadway will provide vehicular circulation for the site as well as provide an access point to the lot to the south. Public water and sanitary sewer are proposed with this development.

We have met with the adjoining neighborhood on two occasions. Their big concern was traffic thru their neighborhood along N.W. 2<sup>nd</sup> Street to Barons Road. We are proposing that a left turn lane be installed in N.W. 1<sup>st</sup> Street at Barons Road. I have previously met with Randy Hoskins and Dennis Bartels regarding this issue. They are in favor of this median break and turn lane. This turn lane will be installed at no cost to the City of Lincoln.

We are requesting the following waivers to the zoning ordinance;

1. Waiver of the rear yard setback from 40 feet to 30 feet. The proposed 30' setback is similar to the rear yard setback on the existing R-3 developed land to the north and west.
2. Waiver of the side yard setback from 15 feet to 7.5 feet. The proposed setback of 7.5 feet is larger than the adjacent 'R-3' developed area to the north and west.

3. Waiver of lot depth to width ratio of 3 /1 to 4.5/1. This waiver is common with projects of this nature.
4. Waiver of the required frontage from 50 feet to 20'. Some of the lots are located on a curve and their front property line is smaller than the rear property line.
5. Waiver of the sanitary sewer running against street grade, at the south end of West Hampshire Lane.

No other waivers are requested at this time. Please feel free to contact me if you have any further questions.

Sincerely,



Brian D. Carstens

cc: Mike Thomalla, Marty Fortney, Dan Klein- RLM, L.L.C.

Enclosures: 24 copies of sheet 1 of 4  
8 copies of sheets 2 thru 4 of 4  
Application for a Use Permit  
Application Fees of \$740.00  
Certificate of Ownership  
8-1/2" x 11" reductions of the plans



"Loseke, Larry L -  
Lincoln, NE"  
<larry.l.loseke@usps.gov>

To: <rhomer@ci.lincoln.ne.us>  
cc:  
Subject: Baron's ridge  
ov>

10/25/2004 03:07 PM

Becky

Concerning the Baron's Ridge Plat Map, I have a concern with the street named W. Hampshire Ln.

**We already have New Hampshire St. that is 12 blocks north of O St between 7<sup>th</sup> and 14<sup>th</sup> St.**

Larry L. Loseke  
Growth Mgt / Collection Supv  
700 R St Rm 216  
Lincoln NE 68501-9404  
402-473-1647 [larry.l.loseke@usps.gov](mailto:larry.l.loseke@usps.gov)



ORDER NO. 200400732IN

**OWNERSHIP CERTIFICATE**

TO: Brian Carstens  
Brian D. Carstens and Associates  
601 Old Cheney Road, Ste C  
Lincoln, NE 68512

INVESTORS TITLE OF NEBRASKA, LLC, authorized to engage in the business of abstracting in the State of Nebraska under Certificate of Authority No. 580, hereby certifies that the records of Lancaster County, Nebraska have been carefully examined with reference to the Owner of Record of the following described real estate, and from such examination finds as follows:

LEGAL DESCRIPTION: Lot 1, Highlands East 8<sup>th</sup> Addition, Lincoln, Lancaster County, Nebraska

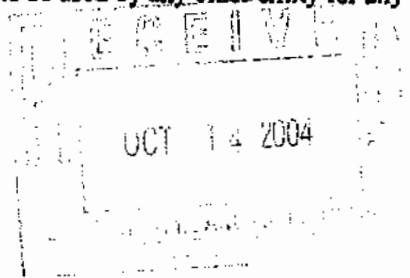
OWNERS OF RECORD: RLM, LLC, a Nebraska limited liability company

Witness our hand and seal this 7th day of October, 2004 at 8:00 o'clock A.M.

INVESTORS TITLE OF NEBRASKA, LLC  
Bonded/Registered Abstracters

By: Kimberly R. Demisto  
Registered Abstracter

NOTE: This Ownership Certificate does not pass on the marketability of the title, nor does it guarantee the legality or sufficiency of any instrument in the chain of title to said described real property. Liability for errors and omissions is limited to the amount of the charges for the preparation of this certificate. This certificate is made for the benefit of the above addressed and is not to be used by any other entity for any other purpose.



017

# Memorandum

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|                 |   |
|-----------------|---|
| <b>To:</b>      | Becky Horner, Planning Department       |
| <b>From:</b>    | Chad Blahak, Public Works and Utilities |
| <b>Subject:</b> | Barons Ridge Use Permit #04005          |
| <b>Date:</b>    | October 29, 2004                        |
| <b>cc:</b>      | Randy Hoskins                           |
|                 |   |

Engineering Services has reviewed the use permit for Barons Ridge, located west of Northwest 1<sup>st</sup> Street and south of Barons Road, and has the following comments:

- **Sanitary Sewer** - The following comments need to be addressed.
  - (1.1) Public Works will approve the requested waiver of design standards for sanitary sewer to run opposite street grade provided that the minimum and/or maximum depths are not violated. However, it appears that this is not possible to do given the grade change along this portion of the sewer. The lots on the south side of the high point in West Hampshire Lane will need to be sewerred from a sewer extension from the property from the south if the maximum and/or minimum depths cannot be achieved.
  - (1.2) Information needs to be provided to the satisfaction of Public Works as to how Lots 15 & 16 are proposed to be sewerred.
- **Water Mains** - The following comments need to be addressed.
  - (2.1) Lots 15 & 16 do not have abutting tappable water mains. Information needs to be provided to the satisfaction of Public Works as to how these lots will be provided water service.
- **Grading/Drainage** - The following comments need to be addressed.
  - (3.1) The proposed site grading shows some of the townhome pads along the north side of West Hampshire Lane at elevations 8' above the abutting curb elevations and then sloping down to the rear lot lines. Although there is no design standard requiring that this grading be revised, Public Works recommends that the grading be revised to eliminate such grade changes across these lots.
  - (3.2) Detention for this area was provided for with projects associated with Lynn Creek improvements.
- **Streets** - The following comments need to be addressed.

- (4.1) The plans show a full access median break at Barons Road and Northwest 1<sup>st</sup> Street. There is currently no median break at this location. Public Works would agree to full access at this intersection contingent upon this development being responsible for the design and construction costs associated with the median break, and the application revised to show there is sufficient sight distance to safely provide the median opening at this location. We have not received this information which we requested when we tentatively agreed to a median opening.
- (4.2) The proposed common access driveway will provide access to this plat and yet unidentified uses to the south. A right-turn lane should be provided at this driveway along with the additional 12' of right-of-way necessary to construct the lane. This will likely require relocation of the existing bike path and require relocation of the existing bike path easement if the path is located outside the right-of-way. The existing driveway to the south must be removed in conjunction with the new common access driveway shown on the plans.

**General** - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

**IMPORTANT**

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Permit # **DRF04164**

Address

Job Description: Development Review - Fire

Location: BARONS RIDGE

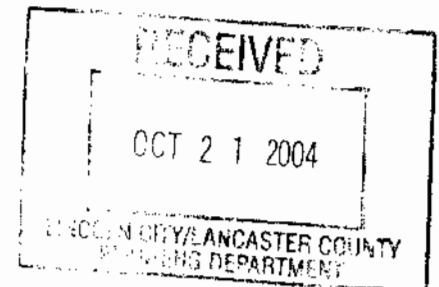
Special Permit:

Preliminary Plat:

Use Permit: Y 04005

CUP/PUD:

Requested By **BECKY HORNER**



Status of Review: Approved

10/21/2004 12:47:52 PM

Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments: approved

**Current Codes in Use Relating to Construction Development in the City of Lincoln:**

2000 International Building Code and Local Amendments  
2000 International Residential Code and Local Amendments  
1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)  
1989 Fair Housing Act As Amended Effective March 12, 1989  
1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards  
1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)  
1999 National Electrical Code and Local Amendments  
1997 Uniform Mechanical Code and Local Amendments  
1994 Lincoln Gas Code  
2000 NFPA 101 Life Safety Code  
2000 Local Amendments International Firecode  
Applicable NFPA National Fire Code Standards

October 26, 2004

Ms. Becky Horner, Project Planner  
City-County Planning  
555 So. 10th  
Lincoln, NE 68508

Subject: Lincoln Airport, Lincoln, NE  
Baron's Ridge  
Use Permit 04005

Ms. Horner:

After reviewing the use permit I have the following comments:

This area is also within a Turning Zone, as defined in Chapter 27.59. In the event that the permit application changes and the maximum building height increases to over 75', we would expect the developer to comply with all applicable requirements of the chapter, notably those in 27.59.060.

If you have any comments or questions, please give me a call.

Sincerely,

AIRPORT AUTHORITY



Jon L. Large, P.E.  
Deputy Director of Engineering

JLL/lb

cc: Mike Johnson, w/enclosures



021

INTER-DEPARTMENT COMMUNICATION



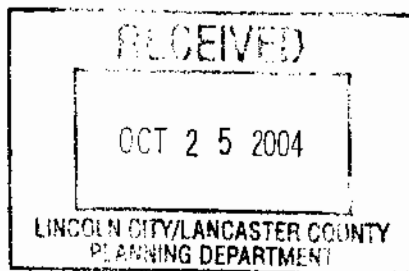
**DATE:** October 22, 2004  
**TO:** Becky Horner, City Planning  
**FROM:** Sharon Theobald  
Ext 7640  
**SUBJECT:** DEDICATED EASEMENTS - Use Permit #04005  
DN# 52N-2W

Attached is the Use Permit for Barons Ridge.

**In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.**

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map.

*Sharon Theobald*



ST/ss  
Attachment  
c: Terry Wiebke  
Easement File

# Memo



**To:** Becky Horner, Planning Department

**From:** Mark Canney, Parks & Recreation

**Date:** October 26, 2004

**Re:** Baron's Ridge

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Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and the following comments:

1. All outlot areas to be maintained by the developer and/or future homeowner's association.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

**Richard J Furasek**

10/22/2004 02:56 PM

To: Rebecca D Horner/Notes@Notes

cc:

Subject: Baron's Ridge

Upon review of Baron's Ridge use permit #04005, I have a couple of questions. Does W. Hampshire Lane extend into Highland BLVD or does the street just dead end? I am also concerned about not seeing a fire hydrant in the vicinity of the two office buildings or the entry into that parking lot. Could you please clarify for me. On W. Hampshire Lane, it would seem better for us to have the new fire hydrant moved from west side lots between 6 and 7 to near lots 10 and 11 on the west side of the street and then add one more hydrant between lots 2 and 3 on the west side of W. Hampshire Lane.

Richard J. Furasek  
Assistant Chief Operations  
Lincoln Fire & Rescue  
1801 Q Street  
Lincoln Ne. 68508  
Office 402-441-8354  
Fax 402-441-8292



**MICHAEL WOOLMAN**  
<lpd737@CJIS.CI.LINC  
OLN.NE.US>

11/01/2004 01:05 PM

To: R Horner <RHorner@ci.lincoln.ne.us>

cc:

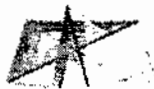
Subject: Barons Ridge

Ms. Horner,

The Lincoln Police Department does not object to the Barons Ridge UP# 04005.

023

Sergeant Michael Woolman  
Lincoln Police Department



Dennis L Roth

10/20/2004 08:32 AM

To: Rebecca D Horner/Notes@Notes  
cc:  
Subject: re: Barons Place

PROJ NAME: Barons Place  
PROJ NMBR:  
PROJ DATE: 10/07/2004  
PLANNER: Becky Horner

Finding ONE DUPLICATE/SIMILAR NAME in our geobase for the street name proposed in this project, other than those which are an extension of an existing street.

|                 |                  |
|-----------------|------------------|
| <b>PROPOSED</b> | <b>EXISTING</b>  |
| W HAMPSHIRE LN  | NEW HAMPSHIRE ST |

Dennis "denny" Roth, ESD II/CAD Admin  
Emergency Communications 9-1-1 Center

STREETS: none

PRIVATE: W Hampshire Ln

CROSS ST: Barons Rd (Incorrectly labeled W Barons Rd)

COMMENTS: New Hampshire is a high volume Police Response area and the similarities between the two names could result in inaccurate dispatching of Emergency Response Personnel. We there fore **STRONGLY RECOMMEND** an **ALTERNATE NAME** be selected. W Barons Place would be appropriate if the developer so desire.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

**TO:** Becky Horner

**DATE:** October 28, 2004

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder

**ATTENTION:**

**DEPARTMENT:** Health

**CARBONS TO:** EH File  
EH Administration

**SUBJECT:** Barons Ridge  
UP #04005

The Lincoln-Lancaster County Health Department has reviewed the proposed development with the following noted:

- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.





Jason Smith  
<jsmith@ieee.org>  
11/08/2004 04:56 PM

To: jwalker@ci.lincoln.ne.us  
cc:  
Subject: Regarding Use Permit 04005 (NW1st & Barons Road)--comments for planning commission

I am writing as a resident of the Highlands who will be directly affected by a development proposed by Regal Building Systems. My property is located at 5030 NW 2nd St, while the property in question is located at 5001 NW 1st St (which is a large lot directly behind mine as well as many other homes).

The developers have tried to work with the neighborhood, which is appreciated. However, there are a few points that I feel need repeating as a property owner and voter in the Highlands. The traffic situation on NW 2nd St currently is abysmal, especially at peak morning and evening periods. This is due to the way the streets are laid out in this part of the Highlands. For all streets between the park area and W. Highland Blvd, and NW 1st and about NW 4th, the shortest access to or from the south (which is where most of the traffic would logically come from or be going to) is on NW 2nd St. Also, since NW 2nd St turns into an E-W road after a couple of blocks that connects to NW 7th St, it has essentially become a artery with either heavy traffic, or traffic that is traveling at significantly above the speed limit (I would guess 35-40 mph) depending on the time of day. It simply isn't safe as it is for children to be allowed to play in their front yards. On-street parking makes the situation even more dangerous.

Now, as part of the developers proposal, they have spoken with public works, and have been given assurances that a curb cut and northbound left turn lane can be provided on NW 1st St at W. Barons Rd so that the additional traffic they will create will not have to use NW 2nd St as their only access. The general consensus of the neighbors is that we are in support of the development ONLY if the curb cut and turn lane are also approved. That was agreed upon at the second neighborhood meeting with the developers. That is the only way we can accept it as a neighborhood. WE CANNOT HANDLE ANY MORE TRAFFIC ON NW 2ND ST!!! If the curb cut and turn lane are not approved, there was agreement at the meeting that the entire neighborhood (that was at the meeting, which I would estimate is most of the affected landowners) do not approve of it due to the traffic and safety issues. We are certainly pro-growth and want more affordable housing in the neighborhood, and all we ask is that public works, the planning commission, and the city council make sure that the curb cut and turn lane are REQUIRED, APPROVED, and BUILT before construction on the development begins, if this development is to be approved.

I also hope that there will be adequate screening vegetation or fencing provided between the proposed development and the existing homes. That appears to be the case from the documents I have seen online for the planning meeting, but it is difficult to tell. None of us want to be looking directly into someone else's bedrooms, just as we don't want others looking directly into ours. Hopefully this has already been addressed in the plans.

Thank you for your time,  
Jason Smith  
5030 NW 2nd St



Joan V Ray

11/08/2004 12:18 PM

To: Karen Kersten <kkersten@nebraska.edu>  
cc: mkrou@lincoln.ne.gov, council@ci.lincoln.ne.us  
Subject: Re: Nov. 10 agenda item 1.4 Use Permit No. 04005

Dear Ms. Kersten: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray  
City Council Office  
555 South 10th Street  
Lincoln, NE - 68508  
Phone: 402-441-6866  
Fax: 402-441-6533  
e-mail: jray@ci.lincoln.ne.us  
Karen Kersten <kkersten@nebraska.edu>



Karen Kersten  
<kkersten@nebraska.edu>

11/08/2004 08:58 AM

To: mkrou@lincoln.ne.gov, council@ci.lincoln.ne.us  
cc:  
Subject: Nov. 10 agenda item 1.4 Use Permit No. 04005

Dear City Planners-

I attended a Highlands neighborhood meeting in September regarding a proposed new development in the area. I am writing to you to express my concern for the plan of an addition of 38 duplex units on NW 1st Street and Barons Road presented at that meeting and on the November 10th city planning meeting agenda.

When I moved into my home on NW 2nd Street, Bedford Street was a dead-end and the subdivision on Lombard street was still a vacant field. Since then, Bedford Street and the adjoining subdivision streets, West Lombard Drive, West Chancery Road, and West Brixton Drive as well as 102 single family homes have been added (see attached file). The median on NW 1st Street was never broken to accommodate this new subdivision. As a result all northbound traffic, which is everyone coming from the south where the rest of the city is located, was forced to use NW 2nd Street. The majority of the southbound traffic was also forced to use NW 2nd Street because only a right turn is allowed off of Barons Road due to the median on NW 1st Street.

The facts are NW 2nd Street was never designed as wide as NW 7th Street to allow for the volume of traffic, its is a bus route for both city and LPS buses, and in the last few years, has been forced to accommodate, at the very least, more than 102 additionally vehicles. The number of vehicles is actually most likely double that number since most families have more than one vehicle in toady's society. NW 2nd Street is already riddled with traffic and has gotten increasingly unsafe for the drivers using it as well as the homeowners and their children living on it. The situation will become even worse if another 38 vehicles, again it will actually be closer to 76 vehicles, are added to the existing congestion.

After discussing it with other neighbors in attendance at the neighborhood meeting, I believe the only way to accommodate the new duplex development is to correct the existing traffic problem before construction. A break in the median at NW 1st Street and Barons Road would provide a way to route traffic away from NW 2nd and directly into the duplex development. It would also provide a more direct route to the homes in the subdivision on West Lombard Drive whose residents currently use NW 2nd Street. I know a few may disagree because opening the median would create more traffic in the Lombard area. My argument to that is, it will be traffic from those living in that subdivision. Why should NW 2nd

bear all of the burden? Lombard homeowners will not see additional traffic from the duplex owners if the median is broken since townhome owners will turn into their subdivision before even reaching West Lombard Drive and West Chancery Road. Lombard homeowners are guaranteed to see that traffic if the median remains in place and the duplex owners have to go down NW 2nd street to get to their homes, not to mention the construction vehicles during the building process! It seems that balancing the traffic would be the fairest alternative and benefit everyone. An additional benefit of the median break would be to reduce traffic at NW 1st Street and Highlands Boulevard since everyone turns there to get to and from NW 2nd Street.

At the September meeting I was left with the impression that the majority of homeowners and the developers agreed that the median break is the best solution. I would like to thank you in advance for any help you can offer to make that happen.

Please let me know if there is anything I or the other homeowners on NW 2nd Street can do to further this solution.

Thank you again!

Karen Kersten

4912 NW 2nd Street

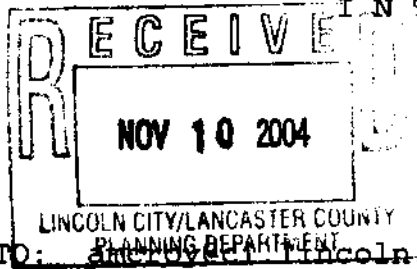
438-3827



highlands.jpg



## INTEROFFICE MEMORANDUM



Date: 27-Sep-2004 05:07pm CDT  
 From: Steve Peck  
 SWP  
 Dept: ASD  
 Tel No: (402)476-2811 x4844

TO: lincoln.ne.us

Subject: Proposed Townhouse Development in Highlands at NW 1st St and Barrons Rd

Dear Annette,

I am writing you in regards to a proposed Townhouse development by Regal Building Systems in the Highlands at approximately NW 1st and Barrons Rd.

Regal Building Systems has had 2 neighborhood meetings where most recently they proposed making a "Cut-out" in the median on NW 1st St. so that traffic could access their proposed development from Barrons Rd. Many of my Highland neighbors who live along NW 2nd St. are in favor of this "Cut-out" as without it residents of these townhomes coming from the south will have to travel down thier street, then Lombard and Barrons to get home. NW 2nd is already a very busy residential street and they rightfully, do not wish to increase the amount of traffic on it.

However, myself and many of the neighbors living on or near Lombard and Barrons feel a "Cut-out" to the median of NW 1st (to add access from the south to Barrons Rd.) will not solve the traffic problem on NW 2nd, but infact will only create a similar problem on Lombard and Barrons as other Highland residents, not directly effected by this development, will begin to use Lombard and Barrons as a short cut to access the businesses to the North on NW 1st.

The proposed "Cut-out" on NW 1st is also directly in the middle of an "s" curve and as such is unsafe due to limited sight. Regal Building Systems has already removed many trees along the area they plan to build. If this "Cut-out" is allowed, I fear that many more trees would be slated for removal and as a resident of a house backing to a wooded park area, I am not agreeable to the removal of any trees from this area.

Regal Building Systems also plans to build an Office area along with thier townhomes. However, the "Cut-out" they are proposing on NW 1st street will not serve this Office area. Thus, the original issue will remain. People wishing to access the Office area from the south will have to drive through the residential areas of NW 2nd, Lombard and Barrons to gain access to the Office area or perhaps worse yet, will make U-turns in the limited sight "s" curve where the proposed new "Cut-out" would be.

If and when this proposal comes before the Council, myself and many of my neighbors hope that you do not allow the NW 1st St. median to be "Cut-out" at Barrons Rd., but instead require Regal Building Systems to place a road at the area already planned for Office use that will allow access to both the Office area and Townhomes from both the North or South directions off of NW 1st. A "Cut-out" in the median of NW 1st at this location (Just North of Highlands Blvd and Cabella's) is in a safe straight line view area and would keep any additional traffic created by this development out of the Current residential areas of NW 2nd, Lombard and Barrons Rd.

Thank you for your consideration. I'm sure this e-mail is confusing, but hopefully when you see a layout of the proposed development it will make more sense. Please feel free to contact me if you have any additional questions or if you feel there is someone else that I should forward my concerns to.

Steve Peck  
 5340 W. Chancery Rd. 26. 438-3915 Steve.peck@mdsps.com



"Fischer, Sharon"  
<sharonfischer@fnnl.com>

To: plan@lincoln.ne.gov  
cc:  
Subject: Use Permit # 04005, Barons Ridge

11/09/2004 04:17 PM

Our family owns a residence along West Lombard Drive. Our neighborhood is very concerned with the increased traffic this development will create in our neighborhood. We have learned there are 2 different layouts for the townhouse development concerning the main access roadway. One plan has the main access to NW 1st St. The other would be to Barons Road. On either issue we feel it is very essential for there to be a median cut on NW 1st St.

Our neighborhood has met with the developers on two different occasions to voice our concerns. Residence on NW 2nd can attest to the increased traffic volume our Lombard neighborhood has caused to their street. This is mainly caused by the lack of access off of NW 1st St. onto Barons Rd. due to there not being a median break. It is only a matter of time until the townhouse development increases the volume of traffic forced to flow down NW 2nd St and W Lombard Drive.

It would be preferred that the main access to this townhouse development be onto NW 1st St including a median cut. With this plan the traffic to this development would not be forced to travel through our neighborhoods.

If the city of Lincoln will not allow the main access to be onto NW 1st, then it will be mandatory for the Barons Rd to have a median cut on NW 1st St. The median cut would allow traffic traveling South on NW 1st to turn on Barons Rd for the townhouse development and Lombard neighborhood.

Thank you for allowing our neighborhood to voice our concerns involving the traffic flow of our neighborhood.

Best Regards,

Sharon and Brent Fischer  
147 W. Lombard Dr.  
476-7552



TRENNER  
<TRENNER@neb.rr.co  
m>

To: <plan@lincoln.ne.gov>  
cc:  
Subject: Town homes in Highlands area

11/09/2004 04:21 PM

To whom it may concern:

I am writing in regards to the Cars tens construction of town homes in the Highland area. I have no problem with the construction of the town homes. I have great concerns over the traffic flow with this addition. First off, the traffic should not be routed towards NW 2nd. That street is already dangerously overcrowded and over traveled. Cars tens and Associates have had meeting with us and made it sound like our only option was to have their traffic go out Barons. People are already using Lombard Dr. which is before Barons, as a race track. I'm on Lombard dr. and worry about the safety of my kids and property. We already have had cars hit and a tree and street light taken out. Kids play in the park by Barons and the bike path is there. That will only destroy the safety Lombard street and our area of the Highlands. Why can't they enter and exit on the main arterial? Isn't that what a housing and business area like the town homes and office space should do? I feel it would be poor planning to allow the entrance and exit of this traffic into a neighborhood. Preserve the integrity of the neighborhood and exit the traffic on the main arterial.

Thank you for your time and consideration,  
Tracy Renner 151 W Lombard Dr. 438-5814